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Written statement* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Requesting that the U.N. Demand the Immediate Release of Pastor Youcef Nadarkhani and Other Christians that Have Been Wrongfully Imprisoned for Their Faith Thereby Protecting Their Right to Freely Practice Their Religion

1. INTRODUCTION

Five years ago, Pastor Youcef Nadarkhani, an Iranian Pastor who was sentenced to die for 'apostasy' and had been in an Iranian prison for almost three years was aquitted and set free. Although the aquital and release seemed to signal that the Islamic Republic of Iran realised it must let Pastor Youcef live out his faith in peace, that was not the case. Pastor Youcef was arrested again in 2012 and 2016 for his religious faith. Most recently, on 22 July 2018, sources reported that plain clothed Iranian agents once again raided the Pastor's house and proceeded to beat him and his son before arresting Pastor Youcef for promoting Christianity. The only information Pastor Youcef's family was given was that he was scheduled to be transferred once again to Tehran's Evin Prison, a prison notorious for holding Christians and political opponents of Iran[1].

As a member of the United Nations, the Islamic Republic of Iran is obligated to adhere to the principles set forth in the U.N. Charter requiring members '[t]o achieve international cooperation… in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [inter alia] religion'[2]. By repeatedly detaining and trying Pastor Youcef for practicing his religious faith, the Islamic Republic of Iran is violating its obligations under the U.N. Charter. Therefore, these violations not only concern the Islamic Republic of Iran but this entire Council as well.

Additionally, the Islamic Republic of Iran has violated its obligations under the Universal Declaration of Human Rights (UNDHR)[3], which protects one's choice and exercise of religion, religious expression, and the right to peacefully assemble for religious purposes. Alongside Article 18's protection of religious freedom, Article 19 protects the right to religious expression and Article 20 (1) protects the right to peaceful assembly and association.

It is clear that the Islamic Republic of Iran has violated the principles of the UN Charter as well as the UNDHR by repeatedly and unlawfully detaining Pastor Youcef for peacefully practicing his Christian faith. This Council must stand against this injustice and protect the rights of Pastor Youcef and anyone else who seeks to peacefully practice their religion in Iran.

2. BACKGROUND

Iran first violated Pastor Youcef's human rights when he was arrested on October 2009[4]. This arrest came after he criticised the monopoly Islamic authorities have on education in Iran; in response to his contention that Iran's own constitution does not justify the promotion of one religion to the exclusion of all others through mandatory religious instruction in school, Iran threatened to take his life, and nearly did just that[5].

Article 14 of the Iranian Constitution states, '[T]he government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms… and to respect their human rights'[6]. Despite the protection provided of religious freedom by the Iranian constitution, Pastor Youcef was accused of apostasy in

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[1] Stoyan Zaimov, *Iranian Pastor Youcef Nadarkhani Beaten in Front of Family, Agents Tase Son*, THE CHRISTIAN POST (24 July 2018, 7:48 AM), https://www.christianpost.com/news/iranian-pastor-yousef-nadarkhani-beaten-in-front-of-family-agents-tase-son-226346/.

[2] U.N. Charter art. 73(c).

[3] Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

[4] Ed Payne, *State Dept : Release Pastor Jailed for 1,000 Days, Sentenced to Death in Iran*, CNN (10 July 2012, 5:23 AM), https://www.cnn.com/2012/07/10/world/meast/iran-detained-pastor/index.html.

[5] *Id.*

[6] IRAN'S CONSITTUTION OF 1979 WITH AMENDMENTS THROUGH 1989, art. 14.

September 2010, a charge for which he was sentenced to the death penalty[7]. On December 5th of the same year, he appealed his conviction to the Supreme Court of Iran. Nonetheless, the Supreme Court upheld his sentence on 28 June 2011[8].

During his imprisonment, Pastor Youcef was repeatedly pressured by Iranian police officers to recant his faith, yet he held fast and accepted his imprisonment because of his belief in Christianity. However, after worldwide outrage at the denial of Pastor Youcef's most basic rights, he was rightfully acquitted of the apostasy charge against him[9] after spending almost three years in prison.

Just three months later, on Christmas day, 25 December 2012, he was abducted from his home by Iranian police[10]. His second imprisonment was the consequence of him being charged with 'Evangelisation'. Despite acquitting him for apostasy, Iran continued to persecute him for his faith by sentencing him to three years of prison, only to release him on 7 January 2013, in consideration for the time already served before his acquittal. He was then sentenced to serve the remaining 45 days on probation[11].

It would seem that Iran had already done all it could to cause suffering beyond reckoning for Pastor Youcef, and yet he was taken away by police for a third time on 13 May 2016 during raids aimed specifically at Christians, and accused, along with three other Christians, of receiving funds from the British government. They were then released on bail a few weeks later[12].

While still out on bail, in July 2017 an Iranian court found all four Christians guilty of 'promoting zionist Christianity', and in doing so, 'acting against national security' and imposed a ten year sentence[13]. This charge is based on no credible evidence and its formulation speaks for itself. It is evidence that Iran is bent on forcing Christians into silence and arbitrarily using its justice system to do so.

The Pastor and the other three Christians immediately appealed, but their appeal was not heard until 13 December 2017 by Judges Hassan Babaee and Ahmad Zargar, infamously biased judges, one of whom was accused of losing judicial impartiality in 2014, and who faces sanctions in the United Kingdom[14]. Sadly, but not surprisingly, five months later, on 2 May 2018, their lawyers were notified by text that the judges had denied their appeal, and that the ten year sentence imposed on them was upheld[15]. Rather than being summoned, the verdict was enforced with utmost cruelty over two months later during the night of 22 July 2018, as Pastor Youcef was violently abducted from his home in a shameful instance of police brutality[16].

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[7] Joe Sterling, *In Iran, a Christian Pastor Faces Death Sentence*, CNN (7 Dec. 2010, 2:23 PM), http://www.cnn.com/2010/WORLD/meast/12/07/iran.christian.death.sentence/.

[8] *Iran: Written Confirmation of Death Sentence*, CSW.ORG (13 July 2011), https://www.csw.org.uk/2011/07/13/news/1031/article.htm.

[9] *Pastor Nadarkhani Released, Aquitted of Apostasy*, CSW.ORG (8 Sept. 2012), https://www.csw.org.uk/2012/09/08/news/1327/article.htm.

[10] Lisa Daftari, *Iran Re-Arrests Pastor Nadarkhani on Christmas Day*, FOX NEWS WORLD (30 Dec. 2012), http://www.foxnews.com/world/2012/12/30/iran-re-arrests-pastor-nadarkhani-on-christmas-day.html.

[11] *Id.*

[12] *Iran: Pastor Nadarkhani Chrarged*, CSW.ORG (25 July 2016)https://www.csw.org.uk/2016/07/25/press/3196/article.htm

[13] *Iran: Pastor Youcef Nadarkhani and Three Other Converts Given Ten-Year Sentences*, CHURCH IN CHAINS (14 July 2017), https://www.churchinchains.ie/news-by-country/middle-east/iran/iran-pastor-yousef-nadarkhani-and-three-other-converts-given-ten-year-sentences/.

[14] *Iran: Four Christians to Appear Before Appeal Court*, CSW.ORG (31 Aug. 2017), https://www.csw.org.uk/2017/08/31/press/3684/article.htm.

[15] George Thomas, *4 Christians Serving 10-Year Prison Sentence in Iran Lose Appeal*, CBN NEWS (10 May 2018), http://www1.cbn.com/cbnnews/world/2018/may/4-christians-serving-10-year-prison-sentence-in-iran-lose-appeal.

[16] *Iranian Pastor Taken to Evin Prison After Violent Raid on Home*, WORLD WATCH MONITOR (24 July 2018), https://www.worldwatchmonitor.org/2018/07/iranian-pastor-taken-to-evin-prison-after-violent-raid-on-home/.

His abduction occurred when his house was raided by police without any prior notice; his door was shattered and he was assaulted with electrical batons, despite not posing any threat whatsoever to the security forces. Incredibly, the police also beat and tasered his son. All of this needless brutality occurred in front of the Pastor's wife and younger children[17], and is simply the latest of the outrageous acts of persecution the Islamic Republic of Iran has inflicted on Pastor Youcef because of his faith. The three other Christian converts, who were found guilty of 'promoting zionist Christianity' along with Pastor Youcef in 2017 and whose appeals were also denied, were arrested on the following days[18] and have all been taken to Tehran's Evin Prison.

3. REQUEST

The very purpose of this Council is to protect the human rights of individuals living all around the world. It is imperative that this mission be taken seriously, and that the Islamic Republic of Iran be reminded of its obligations to actively protect the rights of Pastor Youcef and others so that they can practice their religion peacefully without fear of repeated harassment, arrest or violence from their government. Therefore, we respectfully request that this Council demand an immediate release of Pastor Youcef, as well as the other Christians wrongfully convicted and imprisoned with him.

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[17] *Iranian Pastor Nadarkhani Arrested in Violent Raid*, CSW.ORG (23 July 2018), https://www.csw.org.uk/2018/07/23/press/4050/article.htm.

[18] *Iranian Christians Arrested and Taken to Serve Sentences*, CSW.ORG (26 July 2018), https://www.csw.org.uk/2018/07/26/press/4051/article.htm.